

## UNITED STATES DISTRICT COURT

FOR THE

District of

MASSACHUSETTS

PLAINTIFF JDS Uniphase Corp. Benefits  
Committee of the JDS Uniphase Corp. Employee  
401(k) Retirement Plan

THIRD PARTY SUMMONS IN A  
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

David M. Kornacki, as Administrator of the Estate  
of Kevin P. Kornacki

Case Number:

05-11499-MAP

v. Defendant

Mabel Tavares, an individual formerly known as  
Mabel D. Kornacki; and Does 1 through 20, inclusive

V. THIRD PARTY DEFENDANT

JDS Uniphase Corporation Employee 401(k)  
Retirement Plan

To: Name and address of Third Party Defendant

JDS Uniphase Corporation Employee 401(k) Retirement Plan

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Hope A. Case, Esq.  
Charles L. Deem, Esq.  
Gray Cary Ware & Freidenrich, LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY

(name and address)

Katherine R. Parsons  
Crevier & Ryan, LLP  
1500 Main Street, Suite 2020  
Springfield, MA 01115

Defendant's Counsel:

Maurice Cahillane, Esq.  
Egan Flanagan & Cohen, P.C.  
67 Market Street, PO Box 9035  
Springfield, MA 01102

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

**SARAH A. THORNTON**

CLERK

(By) DEPUTY CLERK

DATE

July 22, 2005

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on July 29, 2005 [Signature]  
Date Signature of Server

1500 Main Street, Suite 2020, Springfield, MA 01105  
Address of Server

I, Charles L. Deem, am authorized and hereby accept service of the Summons and Complaint on behalf of named party.

Charles L. Deem

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.